

**Record of Proceedings  
Village of Peninsula  
PLANNING COMMISSION DECEMBER 3, 2018 LONG RANGE PLAN MEETING**

**Call to Order:** The Meeting was called to order at 7:03 p.m. by Chairperson Walters.

**Roll Call:** The roll call was taken, and the following members and officials were present.

Kevin Royer

Mayor Doug Mayer

Greg Canda

Chairperson Karen Walters

Chris Weigand

Brad Bryan (Solicitor)

Rita McMahon (Consultant)

**Documents:**

Future Land Use Map (Map 13) submitted by Ms. McMahon

Draft of Conservation Overlay Ordinance submitted by Ms. McMahon

**Consideration of Regular Planning Commission Meeting Minutes 11/26/18:**

A motion to amend the November, 26, 2018 Regular Planning Commission Meeting Minutes was made by Mr. Canda and seconded by Mr. Royer. All were in favor of the amendment, with the exception of Mayor Mayer, who abstained. A motion to approve the Minutes as amended was made by Mayor Mayer and seconded by Ms. Walters. All were in favor of the motion with the exception of Mayor Mayer, who abstained.

**Review of Request for Statement of Qualifications for Traffic Engineer:**

Solicitor Bryan provided an overview of the RFQ process. The Planning Commission doesn't need Council's approval to send out the RFQ, but Council will need to approve the funding for the Planning Commission to engage the traffic engineer. The Mayor asked what the Commission thought it needed for a budget for 2019. It was estimated that another \$5,000 will be needed for Aislinn Consulting in 2019 plus an additional amount for a traffic engineer and other projects. A Discussion took place about Planning Commission asking Council for a general budget versus asking Council for funds on a project by project basis. Whether or not to send out the RFQ before next Council Meeting (12/10/18) was discussed. Mr. Canda questioned whether it would be better to wait until after the December Council Meeting and Council was informed about the Commission's plans to send out the RFQ. Mr. Canda also asked to add a provision to the RFQ stating that consideration will be given to persons or firms that have experience working with tourist communities. A motion to have Solicitor Bryan to modify the RFQ as requested by Mr. Canda and send it out at the earliest opportunity was made by Mr. Weigand and seconded by Ms. Walters. All were in favor of the motion except for Mr. Canda, who abstained.

**Review of Conservation Overlay Ordinance:**

Ms. McMahon provided copies the most recent draft of the proposed Conservation Overlay ordinance and explained the sub-division additions (Item XXXX.02 B, and C to the Permitted Uses & Regulations). Ms. McMahon provided an overview of the minimum lot dimensions for the Overlay and a visual aid to help the Planning Commission understand the existing and proposed setbacks. Ms. McMahon outlined the rationale for the proposed 5,500 sq. ft. home maximum. A discussion took place about house and lot minimums and maximums, as well as projected housing costs, the impact of developments on the Village and its economy, and overall access to housing in the Village.

The Commission went on to discuss the timing of the proposed ordinance, submitting it to Council, and setting up a Special Council Meeting for Council to review the ordinance with Ms. McMahon and the Planning Commission on January 17, 2019.

Mr. Weigand stated he will submit a letter to Your Community News that will notify the public what the Planning Commission is working on, including the Conservation Overlay Ordinance and Traffic Engineer RFQ.

The Commission determined the goal was to have the Conservation Overlay Ordinance on the agenda for the January 2019 Council Meeting for first reading, have a second reading on January 17, 2019, and a third reading at the February Council Meeting. It was understood that schedule was subject to the desire of Council.

**Long Range Plan:**

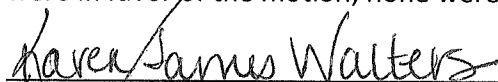
**Future Land Use and Implementation:**

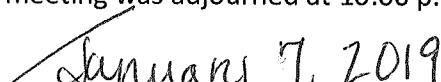
Ms. McMahon provided an overview of the updates to the Future Land Use and Implementation section. Significant discussion took place about the Future Land Use Map and definitions. It was clarified that the Future Land Use Map is aspirational and not necessarily exactly in line with the present zoning map. The Commission needs to determine, with the assistance of Ms. McMahon, what changes, if any, need to be made to the Future Land Use Map. A "transitional" category for Future Land Use was proposed as a means to address working and economic changes. The Future Land Use Map supports changes to the Zoning Map and helps make our Zoning Map defensible.

**Goals and Policy Section:**

Ms. McMahon stated the Planning Commission needs to review the updated Goals section, particularly the highlighted areas. Some of the stated goals may not make sense for a community of our size with the small staff that we have. Ms. Walters asked Mr. Weigand to write a summary of the proposed "transitional" land use category.

**Adjournment:** A motion to adjourn was made by Mr. Weigand and seconded by Mr. Royer. All were in favor of the motion; none were opposed. The meeting was adjourned at 10:06 p.m.

  
Karen Walters, Chairperson

  
Date

**Existing Code Section****1105.09 CRO, CONSERVATION/RECREATION OVERLAY.**

The purpose of the CRO, Conservation/Recreation Overlay is to identify those areas within the Village that are recommended for eventual CR, Conservation/Recreation zoning, consistent with the Village's Long Range Plan. This designation is not meant to limit the uses permitted by the underlying zoning of parcels subject to this overlay designation, but rather to provide the Village with an opportunity to acquire and/or protect such land prior to its sale and/or conversion to other use.

**Proposed New Code****CRO, CONSERVATION/RECREATION OVERLAY****XXXX.01 Purpose and Intent**

In addition to the applicable provisions stated in Section 1105.08 and 1105.09, the intent and purpose of the Conservation/Recreation Overlay District is to ~~permit~~require, subject to Village Planning Commission and Council approval, planned developments which:

- a) Maximize the protection of the community's natural resources;
- b) Conserve (within the framework of natural resource conservation) the "small town" character of the Village;
- c) Encourage more efficient use of land and public services through unified development;
- d) Have a harmonious and integrated design and visual character;
- e) Do not increase the overall density of development within the Village; and
- f) Establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.

**XXXX.02 Permitted Uses and Regulations**

- A. \_\_\_\_\_ Uses permitted in the underlying R-1 Rural Residential District by Section 1109.03 shall be permitted in the Conservation Overlay District provided the following regulations are adhered to for any proposed development.
- B. \_\_\_\_\_ Except as noted in this Chapter all regulations of the R-1 Rural Residential District shall apply to any development within a Conservation/Recreation Overlay.
- C. \_\_\_\_\_ The subdivision of any existing parcel of property shall not be permitted unless the requirements of this chapter are met.

**XXXX.03 Minimum Project Area for Conservation Development**

- A. The gross area of a tract of land proposed for development according to the conservation development ~~option~~ shall be a minimum of fifty (50) acres, but shall not include area within any existing public street rights-of-way.

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### Existing Code Section

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- B. The area proposed shall be in one (1) ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

### XXXX.04 Permitted Density/Restricted Open Space

- A. The minimum restricted open space shall be fifty-five percent (55%) of the total project area. Required lots, setbacks and building separations within the disturbed or developed portion of a Conservation Development shall not be included in the calculation of permanent open space for the purposes of complying with the requirements of this section.
- B. In no case shall the density be greater than the lesser of one (1) dwelling unit per four (4) acres or the permitted density determined by a "yield plan" for a conventional four (4) acre lot subdivision which conforms to all Village regulations. The determination of permitted density shall not include any areas designated as flood plain or which are covered by an existing conservation easement.

### XXXX.05 Regulations for Restricted Open Space

- A. General Standards: The restricted open space required in Section XXXX.04(A) shall comply with the following:
  - 1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
  - 2. Areas designated for restricted open space purposes may be:
    - a) Preserved in its natural state,
    - b) Designed and intended for the use and/or enjoyment of residents of the proposed development,
    - c) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
  - 3. Restricted open space shall be interconnected with open space areas on abutting parcels where possible.
  - 4. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
    - a) Private roads and public road rights-of-way;
    - b) Parking areas, ~~accessways~~ access ways and driveways within open space areas.

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- c) Other small fragmented or isolated open space areas that have a dimension less than one hundred (100) feet in any direction.
- 5. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- 6. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general site plan.
- 7. Restricted open space areas shall not be used for the location of common on-site wastewater disposal systems.

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B. Prohibition of Further Subdivision of Restricted Open Space.

Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Village's Legal Advisor and duly recorded in the office of the Summit County Fiscal Office Recorder Division.

C. Ownership of Restricted Open Space.

The restricted open space shall be made subject to a perpetual conservation easement in a form approved by the Village in favor of an organization or agency acceptable to the Village. Conservation easements shall include the Village as third party beneficiary of the terms of the easement with the right, but no obligation, to enforce the provisions of the easement.

XXXX.06 Development and Site Planning Standards

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

A. Ownership.

Ownership of lots in a conservation development shall be fee simple. All lots shall comply with the requirements of this section.

B. Lot Requirements.

- 1. Lots for standard detached single-family dwellings included as part of a conservation development, shall be not less than 2.5 acres in area.
- 2. Lots shall have a minimum width at the front setback line of 200 feet.
- 23. The applicant shall depict on the development plan the maximum, parameters or building envelopes, to indicate where buildings shall be

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located, and shall demonstrate that such building locations will be in compliance with the spacing and setback requirements of this section.

### C. Dwelling Size Regulations

1. Each Dwelling shall comply with the minimum floor area requirements established by Section 1113.01(h).
2. The total aggregate amount of gross livable floor area shall not exceed five thousand five hundred (5,500) square feet per dwelling unit. Gross livable floor area shall mean the sum of the total enclosed area of all floors of a building measured from the inside faces of exterior walls, excluding garages, basements, and uninhabitable attics.

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### CD. Perimeter Building Regulations

1. The minimum setback from an existing public street shall be two hundred (200) feet.
2. The minimum setback from the project boundary shall be one hundred (100) feet.

### DE. Interior Building Setback Regulations

1. The minimum setback from a proposed interior private street edge of pavement or a public right-of-way, if permitted by the Village, shall be seventy-five (75) one hundred (100) feet.
2. The minimum side yard setbacks shall be twenty-five (25) thirty-five (35) feet \
3. The minimum separation between dwellings shall be fifty (50) seventy (70) feet.
4. The minimum rear yard setback shall be fifty (50) one hundred (100) feet.

### E.F. Height

The maximum height of buildings shall be as provided in Section 1113.01 for R-1, Rural Residential District.

### F.G. Resource Protection Regulations

1. Wetlands Protection. Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:
  - a) A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area

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within this buffer shall not be disturbed and shall be retained in its natural state; and

- b) A minimum building and pavement setback of thirty five (35) feet, measured from the edge of the designated wetland.
2. Conservation of Riparian Zones:
- a) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than fifty (50) feet, measured from the river or stream bank.
  - b) Walkways or trails may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.

G.H. General Street Design Criteria

- ~~2.1.~~ All streets constructed as part of a Conservation Development shall be private streets unless a public street is specifically authorized by the Village to provide for interconnection or to achieve some other public access purpose.
2. Private streets within a Conservation/Recreation Overlay shall have twenty-two (22) feet of asphalt pavement with berms. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snow plows and garbage and fire trucks. Private streets shall be designed and constructed in accordance with the standards and specifications of the Village Engineer.
- ~~3.~~ Each dwelling unit shall have access to a public street or to a private street internal to the Conservation Development in a manner approved by the Village and said access shall be clearly defined on the site plan. No lots shall front on existing public rights-of-ways unless approved by the Planning Commission.
4. Whenever possible streets shall be looped to provide more than one entrance and exit to the development. Intersections with existing rights-of-ways shall be maintained at a minimum necessary for proper traffic circulation.
5. Street alignments should follow natural contours and be designed to conserve natural features. Stub streets should be eliminated unless such stub street is necessary based on an overall concept plan for the development of the adjacent property. ~~development of adjacent land is demonstrated by clear and convincing evidence.~~
6. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.

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7. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

H.L. Pedestrian Circulation Systems

1. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

I.J. Sewage Disposal

Development shall be served by individual or public sewage disposal structures consistent with the Summit County and/or Ohio EPA requirements. Individual sewage disposal systems shall comply with all applicable regulations of the Summit County Health District. If a common on-site system is to be used it shall not be located in the restricted open space.

J.K. Architectural Design

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures and reflects the character of the Village of Peninsula.

XXXX.07 Development Design Criteria

In addition to the development and site planning standards set forth in Section XXXX.06, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meet the objectives of this district.

A. Conservation of Sloping Land

The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.

B. Conservation of Woodlands, Vegetation and other Natural Areas

The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.

C. Conservation of Wildlife Habitats

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Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.

D. Conservation of Prime Farmland

Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.

E. Conservation of Existing Scenic Vistas and Visual Quality of the Environment

Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.

F. Conservation of Cultural Resources

Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stonewalls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

XXXX.08 Project Review Procedures

Projects proposed under the Conservation/Recreation Overlay zoning shall comply with the Site Plan Review and approval procedures established by Sections 1149.01 to 1149.06 of the Codified Ordinance of the Village of Peninsula.

XXXX.09 Fees

Fee shall be in conformance with Section 1149.11 of the Codified Ordinances of the Village of Peninsula.

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